



Focus on Extensions for Water Right Permits

from Ecology's Water Resources Program

The Department of Ecology's Water Resources Program has revised Policy 1050, "Extension of Time on Permits." This policy specifies the procedures used in evaluating requests for extensions of time in the development phases of a water right permit. Department staff will continue to work closely with applicants when processing water rights.

Background

When Ecology issues a water right permit, it contains a development schedule for completing the project and putting the water to full beneficial use. Ecology works with the applicant to determine the deadlines for beginning and completing the construction project.

The permit holder must meet the development schedule or the permit may be cancelled. Recognizing that delays can occur, Washington Water Code allows permit holders to request extensions for additional time.

Extensions are issued for additional time when unforeseen conditions delay the project. Extensions are not issued when there is a lack of diligence in developing the project.

How can I request an extension?

Extensions for time to continue developing your project must be requested in writing and accompanied by a fee of \$50. The request must contain the following information:

- Justification of why you need the extension with details and reasons why the development schedule should be extended. (You may provide any other information or materials to support your extension request).
- Evidence that you have pursued the project diligently and documenting the good faith efforts you have made to comply with the current development schedule.
- The new schedule you propose for completing the project.
- Ecology may request additional information before processing your request.

How are extensions granted?

Extensions are granted by the Water Resources Regional Section Manager. When approving the new development schedule, the manager will take into account the complexity of the project and the reasons why the permit holder has failed to meet the existing development schedule. Development schedules may be extended on a year-by-year basis or for longer periods as needed.

When Ecology grants an extension, the permit holder may be required to meet specific goals during the extension period. Specific requirements may include construction goals, financing achievements, or acquisition of other permits. These may have scheduled deadlines to ensure you make progress towards completing your project.

What are the fees for extensions?

A fee of \$50 is required for each extension and must be included with the written request.

Can extensions contain new provisions?

As a condition of an extension, Ecology may require additional provisions and conditions based on current information. Conditions may include, but are not limited to:

- Metering and reporting of water use (RCW 90.03.360, RCW 90.44.450 and WAC 508-12-030)
- Conservation planning
- Other provisions to protect the public interest

After Ecology grants my request for an extension, what happens next?

After the extension is granted, you will receive a letter authorizing the extension. The letter will:

- Clearly outline the reasons for granting the extension
- Include any goals, conditions, and provisions imposed as a condition of the approval
- List any information that you must provide

What if I fail to request an extension or Ecology denies my request?

The permit holder is responsible for ensuring that the permit is in good standing, and if necessary, for initiating requests for extensions. If the time allowed for the development of a water right permit lapses, and you fail to request an extension, Ecology will attempt to contact you by mail or telephone.

Some reasons Ecology may deny a request for an extension includes:

- The water right holder has not demonstrated good cause or good faith in diligently meeting the development schedule.
- The project cannot be pursued further, even with additional conditions or provisions, without detriment to the public interest.
- It is otherwise prohibited by law or rule (See WAC 173-130A-160 and WAC 173-134A-080 (2)(i)).

If Ecology denies your request for an extension or an extension is not requested, the department will:

- Initiate cancellation of the permit, and
- Issue a water right certificate for any developed portion of the permit.

Prior to cancellation of a permit, Ecology will send the permit holder a 60-day show cause letter. Show cause letters under RCW 90.03.320 will be followed by cancellation orders, which contain information on appeals.

Can a decision on a permit or extension be appealed?

Administrative orders and penalty notices issued by Ecology can be appealed to the Washington Pollution Control Hearing Board. The cancellation of a water right permit, or the issuance or denial of an extension, can be appealed. The appeal can be made by the permit holder or by another interested party. Information concerning the appeal process will be provided in the extension document or cancellation order, and the public notice.

If you have additional questions, please contact the Ecology regional office nearest you.

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